

Revision: HCFA-AT-82-29
December, 1982

(BPP)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

Citation

42 CFR 433.36(c)
AT-78-90
47 FR 43644

4.17 Liens and Recoveries

Liens are imposed against an individual's property.

☒ No.☐ Yes

- (a) Liens are imposed against an individual's property before his or her death because of Medicaid claims paid or to be paid on behalf of that individual following a court judgment which determined that benefits were incorrectly paid for that individual.

☐ Item (a) is not applicable. No such lien is imposed.☐ Item (a) applies only to an individual's real property;☐ Item (a) applies only to an individual's personal property; or☐ Item (a) applies to both an individual's real and personal property.

- (b) Liens are placed against the real property of an individual before his or her death because of Medicaid claims paid or to be paid for that individual in accordance with 42 CFR 433.36(g)(1) and (g)(2).

☐ Item (b) is not applicable. No such lien is imposed.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

Citation

42 CFR 433.36(c)

4.17(c) Adjustments or recoveries for Medicaid claims correctly paid are as follows. See Attachment 4.17 C.

AT-78-90

47 FR 43644

- (1) For permanently institutionalized individuals, adjustments, or recoveries are made from the individual's estate.
- (2) For any individual who received medical assistance at age 55 or older, recovery of payments are made for nursing facility services, home and community-based services, and related hospital and prescription drug services.



- (i) Payments are recovered for other Medicaid services provided to individuals at age 55.

All services covered under the Plan.



- (ii) Payments are recovered for other Medicaid services provided to individuals at age _____.

Not applicable.

- (3) For any individual with long-term care insurance policies, if assets or resources are disregarded, recovery is made for all Medicaid costs for nursing facility and other long-term care services from the estate of persons who have such policies.
- (d) No money payments under another program are reduced as a means of recovering Medicaid claims incorrectly paid.

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(e) Liens. See Attachment 4.17-A--

- (1) Specifies the process for determining that an institutionalized individual cannot reasonably be expected to be discharged from the medical institution and return home. The description of the process meets the requirements of 42 CFR 433.36(d).

The Commonwealth does not impose liens therefore this section is not applicable.

- (2) Specifies the criteria by which a son or daughter can establish that he or she has been providing care under 42 CFR 433.36(f).

- (3) Definitions: individual's home; equity interest in home; residing in home for at least one or two years, on a continuing basis; discharge from the medical institution and return home; and lawfully residing.

The Commonwealth does not impose liens therefore this section is not applicable.

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(f) Estate Recoveries.

(1) Definitions.

"Applicable medical assistance payments" means the amount of any medical assistance payments made on behalf of an individual under Title XIX of the Social Security Act.

"Estate" means with respect to a deceased individual, (A) all real and personal property and other assets held by the individual at the time of death and (B) any other real and personal property and other assets in which the individual had any legal title or interest (to the extent of such interest) at the time of death.

(2) Attachment 4.17-C further specifies the policy for estate recoveries.

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